

HB 1499 - AS INTRODUCED

2022 SESSION

22-2713

10/08

HOUSE BILL **1499**

AN ACT relative to chartered public school eligibility for state school building aid.

SPONSORS: Rep. Mooney, Hills. 21; Rep. Cordelli, Carr. 4; Rep. Healey, Hills. 21; Rep. Notter, Hills. 21; Sen. Ward, Dist 8; Sen. Carson, Dist 14

COMMITTEE: Education

ANALYSIS

This bill adds chartered public schools to the procedures for consideration, approval, plan requirements, and determination of grants for school building aid.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~in brackets and struckthrough~~.
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to chartered public school eligibility for state school building aid.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 School Building Aid; Grants for School Construction; Chartered Public Schools. Amend RSA
2 198:15-a, I and II to read as follows:

3 I. To aid local school districts ***and chartered public schools under RSA 194-B*** in meeting
4 the costs of school buildings, the department of education shall, from funds appropriated by the
5 general court to carry out the provisions of this subdivision, pay to the school districts ***and***
6 ***chartered public schools*** of the state, sums in accordance with the provisions of this subdivision or
7 the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w.

8 II. Beginning with construction authorized by a local school district ***or chartered public***
9 ***school*** on or after July 1, 2013, office facilities for school administrative units and the purchase or
10 lease-purchase of temporary space for any purpose, including but not limited to modulars, trailers, or
11 other similar structures to be used as classroom, office, or storage space shall not be eligible for
12 school building aid grants.

13 2 Amount of Grant; Criteria for Chartered Public Schools. Amend RSA 198:15-b, I(a)(2)(A)-(C)
14 to read as follows:

15 (2)(A) For construction authorized by a school district after July 1, 2013, school
16 building aid grants for new construction shall not exceed the state appropriation for school building
17 aid for the fiscal year, less any debt service payments due and owing in the fiscal year for
18 construction or renovation projects approved in a prior fiscal year, less the amount owed for
19 construction or renovation projects approved prior to July 1, 2013 in accordance with subparagraph
20 (a)(1), unless otherwise provided by an act of the general court. School building aid grants approved
21 pursuant to RSA 198:15-u through RSA 198:15-w, shall be disbursed to school districts ***and***
22 ***chartered public schools*** pursuant to this subparagraph and no state bonds shall be authorized or
23 issued for the purpose of funding school building aid grants. The amount of the grant to any school
24 district duly organized, any city maintaining a school department within its corporate organization,
25 any cooperative school district as defined in RSA 195:1, any receiving district operating an area
26 school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one
27 or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22,
28 shall be calculated based on the criteria set forth in RSA 198:15-v.

29 (B) The state board of education shall approve the disbursement of 80 percent of the
30 eligible grant amount upon approval of the application for school building aid grants by the state

board of education, and shall disburse the balance of the grant amount upon completion of the construction and verification of the final cost of construction by the department of education.

(C) The amount of the grant to any chartered public school established in accordance with RSA 194-B:3-a shall be *between* 30 percent *and 60 percent* of the eligible cost of construction. ***The state board of education shall develop criteria to determine an amount that most closely approximates the formula for school districts.***

3 Building Aid; Use of Land, Buildings, or Facilities. Amend RSA 198:15-b, I(b)(1) and (2) to read as follows:

(1) A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, ***a chartered public school***, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall have first priority in the use of such land, buildings, or facilities for 10 years or the life of any bond or note issued to provide funds for such land, buildings, or facilities, whichever is greater.

(2) A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, ***a chartered public school***, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, shall submit, when applying for aid under this chapter, the least costly building plan based on a 20-year life cycle cost analysis that meets minimum state building standards in this chapter along with any alternative plans that may be proposed.

4 Maintenance Plan. Amend the introductory paragraph of RSA 198:15-b, I-a(a) to read as follows:

I-a.(a) In addition to the requirements of paragraph I, each school district ***or chartered public school***, prior to receipt of any grant moneys, shall submit for review and approval a written maintenance plan describing in detail how the school district intends to maintain the new facilities to be constructed with state aid grant moneys. The required maintenance plan shall include, but not be limited to, the following information:

5 Equipment Assurance. Amend RSA 198:15-b, I-a(k) to read as follows:

(k) A statement of assurance, signed by the chair of the school board ***or the chair of the board of trustees of the chartered public school***, which indicates that the district ***or chartered public school*** intends to maintain and service all installed equipment according to the manufacturer's instructions.

6 Department of Education; Construction Proposal Criteria. Amend RSA 198:15-c, II(b)(5) and (6) to read as follows:

(5) Whether a school district *or chartered public school* has made a reasonable attempt to accommodate maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations, enhancements to buildings, and preventive maintenance necessary to achieve the design life expectancy of building systems and components. School districts *and chartered public schools* shall be required to provide maintenance records and other documentation, if necessary, concerning maintenance program activities for scheduled and unscheduled repairs, upkeep, minor alterations, and enhancements of district buildings.

(6) A school district's *or chartered public school's* fiscal capacity based on measurable criteria such as the percentage of pupils eligible for free and reduced price meals.

7 Project Resubmission. Amend RSA 198:15-c, II(c) to read as follows:

(c) A school district, a city maintaining a school department within its corporate organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an area school as defined in RSA 195-A:1, *a chartered public school*, or a receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22, with projects for which there is insufficient state grant funding may resubmit those projects to the department pursuant to the provisions of this section.

8 Project Manager. Amend RSA 198:15-b, IV to read as follows:

IV. A school district *or chartered public school* that accepts school building aid for construction shall engage the services of a project manager for construction or reconstruction projects of \$1,000,000 or more, unless the commissioner waives such requirement as unnecessary. The school district's *or chartered public school's* project manager shall have his or her own comprehensive liability and auto insurance, worker's compensation coverage, and professional liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for the ~~[school district's]~~ project manager.

9 Time of Computation of Grant. Amend RSA 198:15-d to read as follows:

198:15-d Time of Computation of Grant. As of January 1 in each year, the department of education shall cause to be computed the amount of the annual grants for school building aid to be paid to eligible school districts *and chartered public schools* in the succeeding fiscal year. The computation shall be based upon the total of eligible costs of construction of school buildings approved by the *chartered public school or the* legislative body of the school district and the department of education for which loans are outstanding in each school district for the fiscal year in which the computations are made.

10 Repeal. RSA 194-B:11, VII, relative to the prohibition on chartered public schools receiving school building aid, is repealed.

11 Effective Date. This act shall take effect July 1, 2022.